

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To
Revise Commission General Order
Number 95 pursuant to D.05-01-030

Rulemaking_____

**ORDER INSTITUTING RULEMAKING
TO REVISE GENERAL ORDER 95**

I. INTRODUCTION

The Public Utilities Commission's (Commission) General Order (GO) 95 "RULES FOR OVERHEAD ELECTRIC LINE CONSTRUCTION" formulate uniform requirements for overhead electric supply and communication facilities constructed in the State of California. The Commission is charged with ensuring that electric utilities operating in California comply with the provisions of the Public Utilities Code and relevant laws and regulations, such as GO 95. To that extent, among other things, the Commission's staff in its Consumer Protection and Safety Division (CPSD) engages in the following:

- Conducts inspections of utilities' overhead electric facilities to ensure compliance with GO 95.
- Investigates electric incidents involving public utilities subject to the Commission's jurisdiction to determine the causes, verify compliance with relevant laws and regulations, including GO 95, and makes recommendations to prevent similar incidents.
- Responds to public and utility inquiries and requests for interpretations of GO 95.
- Investigates public complaints related to compliance by public utilities with relevant laws and regulations including GO 95.

While performing these functions, staff has determined that the rules in GO 95 do not address construction standards for attaching electric supply and communication antennas (hereafter referred to as “wireless antennas”) to jointly used poles and towers. Despite the proliferation of this equipment on jointly used poles and towers, wireless antennas do not fall under any class of circuitry currently categorized in GO 95. Thus, staff recommends revisions to GO 95 establishing uniform construction standards for attaching wireless antennas to jointly used poles and towers.

This OIR presents Proposed Rule 94 to GO 95, which is set forth in its entirety and attached hereto as “Appendix A.”¹ Proposed Rule 94 creates uniform construction standards for attaching wireless antennas to jointly used poles and towers. Appendix B contains the Telecommunications and Electric Line Rulemaking Plan (TELRP).²

This OIR shall be served on all electric corporations and municipalities providing electric service with instrumentalities, equipment, and facilities in California. There has been one previous rulemaking docket associated with GO 95 (R.01-10-001), and thus there is an existing service list which includes the electric corporations and municipal electric providers. Therefore, the OIR shall be served on all service categories for the service list for R.01-10-001. This OIR shall also be served on all wireless carriers certified by the Commission. The list of all wireless carriers certified by the Commission as of February 23, 2005 is attached as Appendix C. Copies of this OIR may be obtained through the

¹ In OIR (R.) 01-10-001, the Commission, along with other relevant parties, considered Proposed Rule Change (PRC) 26 adding Rule 94 to GO 95. The parties, however, were unable to reach a consensus on this PRC. Thus, PRC 26 was moved to a Multiple Alternative Proposals (MAP) process (See MAP No. 8 – Proposal No. 1 at the GO 95/128 Rulemaking web page at <http://www.go95-rc.com/files.html>.) CPSD supported this version of PRC 26. Proposed Rule 94 of this OIR is the same as MAP No. 8, Proposal No. 1, PRC No. 26, GO 95, Rule 94 of Rulemaking 01-10-001. Alternative versions of PRC 26, GO 95, Rule 94 offered by parties in R.01-10-001 can also be found under MAP No. 8 – Proposals 1 - 4 at the GO 95/128 Rulemaking web page.

² During the course of the workshop process in R.01-10-001, Southern California Edison Company (SCE) and other utilities offered a formal proposal for the structure of future rulemaking. The proposal, titled the Telecommunications and Electric Line Rulemaking Plan (TELRP), was discussed at length. Although the Commission did not adopt the TELRP in D.05-01-030, it is attached thereto as Appendix 1 for the purpose of providing guidance in preliminary meet-and-confer procedures for rule changes and for the protocols it sets for any subsequent GO 95 and 128 workshops. Hence, it is attached to this OIR as Appendix B for those specific purposes.

Commission's Central Files Office (415-703-2045), or downloaded from the Commission's internet site (<http://www.cpuc.ca.gov>). Interested parties are invited to file comments as set forth below and to present alternatives or proposals they may have concerning Proposed Rule 94 to GO 95.

II. BACKGROUND

On October 2, 2001, the Commission issued R.01-10-001 to revise GO 95 and GO 128, which govern, respectively, the construction of overhead and underground electric supply and communications systems. Commission staff, industry representatives, labor organizations and the public conducted 16 months of twice-monthly two to three-day public workshops throughout California. A total of 63 proposed rule changes to existing rules were considered. Of these, 40 were supported by consensus of the workshop participants, 15 were withdrawn, and eight were in dispute.

On January 13, 2005, the Commission issued D.05-01-030 in R.01-10-001. The Commission adopted the 40 proposed rule changes supported by consensus as a settlement pursuant to Rules 51, *et seq.*, of the Rules of Practice and Procedure, noted the 15 withdrawn proposed rule changes, and discussed and resolved seven of the eight disputed proposed rule changes. The Commission, however, was unable to resolve all of the issues surrounding Proposed Rule Change (PRC) 26, proposing to add Rule 94 to GO 95 establishing uniform construction standards for attaching wireless antennas to jointly used poles and towers. Thus, in D.05-01-030, the Commission directs staff to further investigate the issues raised by PRC 26 in a new OIR.

III. SUMMARY

The Commission initiates this OIR as required by D.05-01-030. GO 95 is critical to the Commission's role of overseeing the safe operation of overhead electric facilities by utilities operating and providing service in California. Although the proceeding contemplated by this Order does not require public

hearings or workshops (all comments may be submitted in writing), the assigned Administrative Law Judge will decide whether there is a need for hearings or workshops. Any and all alternative proposals advanced by utilities, wireless carriers, and other parties will be considered in this Rulemaking docket.

IV. JURISDICTION

As noted earlier, GO 95 rules concern the safety of the general public, utilities' customers and their employees. As required by the Public Utilities Code, "[e]very public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities ... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public." (Pub. Util. Code, § 451.) As part of the Commission's jurisdiction over public utilities in California, we are authorized to "do all things, whether specifically designated in ... [the Public Utilities Code] or in addition thereto, which are necessary and convenient" to our regulation of public utilities, including, though not limited to, adopting necessary rules and requirements in furtherance of our constitutional and statutory duties to regulate and oversee public utilities operating in California. (*Id.*, § 701.)

This Commission has comprehensive jurisdiction over questions of public health and safety arising from utility operations. (*San Diego Gas & Electric v. Superior Court* ("Covalt") (1996), 13 Cal.4th 893, 923-924.) Our jurisdiction to regulate these entities is set forth in the California Constitution and in the Public Utilities Code. (Cal. Const., Art. 12, §§ 3, 6; Pub. Util. Code, §§ 216, 701, 1001; see also, *Order Instituting Investigation Into the Power Outage Which Occurred on December 8, 1998 on Pacific Gas & Electric System*, Investigation 98-12-013 resulting in D.99.09-028, at 7-8, 1999 Cal. PUC Lexis 635.) Such utilities are required to "obey and comply with every order, decision, direction, or rule made or prescribed by the [C]ommission" (Pub. Util. Code, § 702; see also, *id.*, §§ 761, 762, 767.5, 768, 770.) The Commission is obligated to see that the

provisions of the Constitution and state statutes affecting public utilities are enforced and obeyed. (Pub. Util. Code, § 2101.)

In R.01-10-001, wireless carriers opposed PRC 26 asserting that the Federal Communications Commission (FCC) has preempted states from regulating radio frequency (RF) emissions from wireless antenna facilities. The Commission took the position that PRC 26 did not regulate RF emissions, rather it addressed worker safety and system reliability issues by establishing uniform construction standards for attaching wireless antennas to jointly used poles and towers. According to staff, the drafters of PRC 26 were careful not to intrude on RF clearance standards established by the FCC. However, the drafters recognized the importance of establishing a separation distance between wireless antenna facilities and other electrical supply and communication facilities to promote worker safety. Thus, PRC 26 proposed an additional clearance “cylinder” that would allow electric supply and communication workers, and any other authorized persons, to climb poles or towers and work on particular attachments while promoting worker safety and system reliability, and complying with the FCC’s mandated clearances from RF emissions. Nonetheless, this issue should be fully vetted by the parties to this new OIR.

V. PROCEDURE

In order to create a public record upon which to base a decision, all utilities, wireless carriers, and other interested parties will be given an opportunity to comment on Proposed Rule 94 to GO 95, and to advance relevant comments in a public context to assist the Commission in developing a rule that will best serve the public interest. Comments and reply comments may be addressed to the Commission, in the manner set forth below, on Proposed Rule 94. The proceeding’s assigned Commissioner may, if it appears useful, convene a pre-hearing conference after receipt of the opening and reply comments, to determine whether any further public hearing is necessary for the development of a rulemaking record regarding Proposed Rule 94 to GO 95.

The goal of GO 95 is to promote public health, safety and general welfare, and, to that end, Proposed Rule 94 addresses public health, safety and general welfare concerns. The goal of this proceeding is for the Commission to adopt a rule that will help fulfill its mission as a regulatory agency, and that promotes the safety, health, comfort, and convenience of the utilities' patrons, employees, joint pole users, and the public, whenever possible, regarding GO 95. After parties have filed opening and reply comments and the assigned Commissioner has determined whether a prehearing conference and/or evidentiary hearings are necessary to further develop the record, a proposed decision will be issued and parties will have an opportunity to comment on that proposal before the Commission issues a final decision.

VI. NEED FOR PROPOSED RULE 94

Presently, GO 95 does not have uniform construction standards for attaching wireless antennas to jointly used poles and towers in this state. Proposed Rule 94 will establish uniform construction standards for the attachment of wireless antennas to jointly used poles and towers thereby addressing issues of worker safety and system reliability.

Proposed Rule 94 is the same as PRC 26 from R.01-10-001,³ which was drafted with input and technical guidance provided by CPSD, Sprint PCS, Verizon Wireless, SBC, Verizon California Incorporated, California Cable Television Association, Pacific Gas & Electric, Southern California Edison, IBEW 1245, and San Diego Gas & Electric. During R.01-10-001, all parties involved in crafting PRC 26 recognized the need to create a rule that would allow any joint user of a pole or tower to access the facility in a safe manner regardless of time or location.

GO 95 currently requires appropriate separation between electric supply and communication facilities for the safety of communication workers. As a result of those separation requirements, communication facilities have attached

³ Proposed Rule 94 of this OIR is the same as MAP No. 8, Proposal No. 1, PRC No. 26, GO 95, Rule 94 of Rulemaking 01-10-001.

their equipment below electric supply facilities thereby preventing communication workers from being exposed to the potential hazard of electrical equipment, complying with the Occupational Safety and Health Administration's (OHSA) work rules for communication and supply workers, and allowing communication workers safe access to their communication facilities.

For several years now, wireless antennas have been and continue to be installed on jointly used poles and towers where electric supply and communication workers perform their duties. Proposed Rule 94, if adopted, would establish uniform construction standards requiring a separation distance between wireless antenna facilities and other electric supply and communication facilities attached to joint poles and towers with the goal of promoting worker safety and system reliability. In this regard, the Commission requests that the parties to this OIR examine whether electric supply and communication workers should have the ability to shut down a wireless antenna facility with a "kill switch" if the worker determines that his or her safety may be compromised.

In R.01-10-001, 11 parties including CPSD supported and helped craft PRC 26. In its utility right-of-way decision (D.98-10-058), the Commission concluded that there was a need for safety requirements for wireless attachments to utility poles and instructed incumbent utilities to establish standards. Although the incumbent utilities choose R.01-10-001, which resulted in D.05-01-030, as the proceeding in which to address the issue of establishing construction standards for wireless antenna facilities, the issue was not resolved in that proceeding. Thus, the Commission has decided to address that particular issue in this new rulemaking. The purpose of this OIR is to give the parties the opportunity to further explore all issues raised by Proposed Rule 94 to GO 95. In its investigation, staff and interested parties are directed to explore and make recommendations on the following subjects, among others:

- Have all commercially licensed wireless antenna entities received notice and an opportunity to participate in establishment of a new

state rule for installing wireless antennas on jointly used poles and towers?

- Does § 332[c](7)(B)(iv) of the 1996 Telecommunications Act preempt the Commission from adopting requirements on the clearances between facilities that should be maintained when wireless carriers attach wireless antennas with RF emissions to jointly used poles and towers?
- Does the record provide evidence supporting the concept of a “cylinder” of safety in which electric supply and communication workers can move without coming into proximity of RF emission levels that the FCC has deemed hazardous, or does the “cylinder” concept result in more stringent RF emission standards that are contrary to law?
- Does § 332[c](7)(B)(iv) preempt the Commission from requiring a “kill switch” on RF-emitting wireless antennas attached to jointly used poles and towers? What evidence supports the need for such a “kill switch,” and are “kill switches” required for any other type of facility attached to jointly used poles and towers?
- What evidence supports applying the wireless antenna rule on wireless communications companies while exempting the RF-emitting unlicensed antennas of power companies and others?

The Commission anticipates that this OIR will include one or more workshops conducted in a manner similar to the workshops conducted in R.01-10-001. Moreover, the Commissioner and the Administrative Law Judge assigned to this OIR may deem evidentiary hearings necessary. The ground rules for this new OIR shall be established at a Prehearing Conference. Since the proposed rule changes adopted in D.05-01-030 will not take effect for a year, the Commission anticipates that a wireless antenna rule, if one is adopted, could become effective at or about the time that those adopted GO 95 changes go into effect.

VII. PRELIMINARY SCOPING MEMORANDUM

This OIR is instituted for the purpose of considering whether to add Proposed Rule 94 to GO 95 thereby establishing uniform construction standards for attaching wireless antennas to jointly used poles and towers. This rulemaking is preliminarily determined to be a quasi-legislative proceeding, as that term is defined in the Commission's Rules of Practice and Procedure, Rule 5 (d). It is contemplated that this proceeding shall be conducted through a written record and that an order will issue on the merits based on the pleadings timely filed in this docket. However, the Commissioner and the Administrative Law Judge assigned to this OIR may deem evidentiary hearings necessary.

Interested parties are invited to file opening comments, including proposed changes to GO 95, responding to the items raised in Appendix A of this order. Persons or entities filing opening comments shall include with their comments any objections they may have regarding the categorization of this proceeding as quasi-legislative, their position as to whether there is a need for an evidentiary hearing, and any objections to this preliminary scoping memorandum, pursuant to Commission Rules of Practice and Procedure, Rule 6(c)(2). Comments shall conform to the requirements of the Commission's Rules of Practice and Procedure, Article 3.5 (Rulemaking), and opening comments shall be filed with the Commission's Docket Office and served no later than 45 days after the date this OIR is mailed. Responses to opening comments may be submitted and shall be filed and served 15 days after opening comments. Parties filing opening comments or responses to opening comments are placed on notice that if hearings are held they may be required to provide testimony to support any assertions of fact. The Assigned Commissioner's office shall set a date for a pre-hearing conference in the event that it is determined that one needs to be held.

VIII. SERVICE LIST

The addition of Proposed Rule 94 to GO 95, as set forth in Appendix A, could, if implemented in whole or in part, affect the electric corporations, municipalities providing electric service and all wireless carriers certified by the Commission. There has been one previous rulemaking docket associated with GO 95 (R.01-10-001), and thus there is an existing service list which includes the electric corporations and municipal electric providers. Therefore, a copy of this OIR shall be served on all service categories for the service lists for R.01-10-001. This OIR shall also be served on all wireless carriers certified by the Commission. The list of all wireless carriers certified by the Commission as of February 23, 2005 is attached as Appendix C. Moreover, persons and entities interested in participating in this proceeding may request copies of this rulemaking order by contacting the Commission's Central Files, or may view and download copies from the Commission's Internet site (<http://www.cpuc.ca.gov>), and may file opening comments in this docket within 45 days from the date of mailing of the OIR.

IT IS ORDERED that:

1. A rulemaking is instituted for the purpose of considering whether to adopt Proposed Rule 94 to General Order (GO) 95 establishing uniform construction standards for the attachment of wireless antennas on jointly used poles and towers in the State of California.
2. This rulemaking is preliminarily determined to be a quasi-legislative proceeding as that term is defined in the Commission's Rules of Practice and Procedure, Rule 5(d).
3. Any person or entity that seeks to participate in this proceeding should send a written request, by mail or email, within 30 days of the date this OIR is mailed to the Commission's Process Office (Process Office, Room 2000, 505 Van Ness Avenue, San Francisco, CA 94102 or ProcessOffice@cpuc.ca.gov). The

request must include the following: (1) the full name of the person or entity upon whom service should be made (if the participant is an entity, the full name of the entity's representative for service of process); (2) the postal address, telephone number, and email address of the person or entity to be served; and (3) the service category desired (Appearance, State Service or Information Only).

4. The Process Office shall create an initial service list based on the written requests received within 30 days of the date this OIR is mailed and shall post this initial service list on the Commission's website no later than 7 days thereafter. Parties may obtain the service list from the Commission's website (www.cpuc.ca.gov) or by contacting the Process Office [(415) 703-2021].

5. Interested parties are invited to file opening comments, including proposed changes to Proposed Rule 94 to GO 95, responding to the item attached hereto in Appendix A. Comments shall conform to the requirements of the Commission's Rules of Practice and Procedure, Article 3.5 (Rulemaking), and opening comments shall be filed with the Commission's Docket Office and served no later than 45 days after the date the OIR is mailed. Responses to opening comments shall be filed and served no more than 15 days after opening comments. Parties filing opening comments or responses to opening comments are placed on notice that if hearings are held they may be required to provide testimony to support any assertions of fact.

6. The Assigned Commissioner or the Assigned Administrative Law Judge shall set a date for a pre-hearing conference in the event that it is determined that one needs to be held.

7. Pursuant to Commission Rules of Practice and Procedure, Rule 6(c)(2), parties shall include with their opening comments any objections they may have regarding the categorization of this proceeding as quasi-legislative.

8. The Executive Director shall cause this OIR to be served on all service categories for the service list for R.01-10-001 and all wireless carriers certified by

the Commission. The list of all wireless carriers certified by the Commission as of February 23, 2005 is attached hereto as Appendix C.

9. The Assigned Commissioner or the Assigned Administrative Law Judge shall have on-going oversight of the service list including late requests to be added to the service list, and may institute changes to the list or the rules governing it, as needed.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX A**California Public Utilities Commission****Consumer Services Division****GENERAL ORDER 95 - PROPOSED RULE 94****MAP No. 8 – PRC No. 26 – GO 95, Rule 94****A. Proposal No. 1**

Supported by William Adams, Verizon, SBC, Frontier, PG&E, SCE, CPSD, SDG&E, IBEW 1245 and TID

Rationale

At this time, G.O 95 construction standards do not completely address how present and future installations of Telecommunication and Supply antennas (wireless antennas) on jointly used poles shall be constructed in the state of California. This proposed rule will set forth the requirements for the attaching of wireless antennas to poles and towers in the General Orders 95 for Overhead Construction. The proposed new rule recognizes the construction issues related to wireless antennas as a new technology in wireless communication and the necessity for its safe application on jointly used poles and towers.

Because of wireless antenna technology and its use of radio frequency (RF) to transmit its signal, wireless antennas do not squarely fit into any class of circuitry categorized in the General Order 95. Therefore, there is a need to develop a statewide requirement to provide uniformity for construction of wireless antennas on poles and towers.

With the input and technical guidance provided by the Consumer Protection and Safety Division of the California Public Utilities Commission, Sprint PCS, Verizon Wireless, SBC, Verizon California Incorporated, California Cable Television Association, Pacific Gas & Electric, Southern California Edison, IBEW 1245, and San Diego Gas & Electric, this proposed rule will fill the void and establish uniform construction standards in GO 95 that address the issues of worker safety and system reliability.

All the parties involved in crafting this rule recognized the need to create a rule that would allow any joint user to access their facility in a safe manner at any time throughout the State. Years ago, the communication industry and power industry established appropriate separation requirements between their facilities for the safety of communication workers.

Communication facilities have always attached their equipment below power facilities so that communication workers would not be exposed to the potential hazard of electrical equipment and to comply with OHSA work Rules for supply and communication workers, thus allowing communication workers safe access to their communication facilities.

It is clearly evident that there are serious safety hazards associated with uncontrolled exposure to RF signals that requires the exercise of safety precautions when working in proximity to equipment that emits RF signals, as discussed in the Federal Communication Commission, (Office of Engineering and Technology (OET) Bulletin 65 of the Federal Communication Commission (FCC) Evaluating Compliance with FCC Guidelines for Human Exposure to Radio frequency Electromagnetic Fields) and OHSA.

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Recognizing how safe exposure levels (the safety risk is determined by exposure time) are determined for trained wireless antenna workers and the fact that since 1990, wireless antennas are now being installed on jointly used poles where Supply, Telecom, and CATV workers perform their duties, it is incumbent upon joint pole users to establish a separation distance between wireless antenna facilities and other joint pole facilities to promote worker safety and prevent harmful exposure to RF signals. Furthermore, when trained personnel work

near or in proximity to wireless antenna equipment, the cell site should be shut down. The ability to do so should be extended to all joint users of a facility where a cell site exists if they determine that worker safety may be compromised.

The CPUC's ROW decision (D.98-10-058) acknowledges the need for safety requirements and relegates the decision-making to the incumbent utilities for establishing for safety standards for wireless attachment. The current OIR-R.01-10-001 for General Order 95 Rules is the process that the incumbent utilities have chosen to establish construction standards for wireless antenna attachments that meet the safety and reliability objectives of GO 95.

It should be noted that nothing herein this proposed rule shall be construed as requiring utilities to use poles jointly, or as granting authority for the use of any poles without the owner's consent, or restricting the use of poles jointly. In addition utilities may still develop their own standard for installing wireless antennas on poles which they maintain sole ownership. This rule, however, establishes the minimum construction requirements for wireless antennas on joint poles.

The addition of this rule in GO 95 recognizes the different technological and safety issues of wireless antennas and will continue to promote safety of electrical and communication
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Proposed New Rule

GO 95 Rule 94 - ANTENNAS

94 ANTENNAS

Antennas attached to poles supporting Class T, C, L and H Circuits shall be constructed according to the rules herein. The construction and clearance requirements for Class C circuits shall be applied to antennas and their associated hardware, unless otherwise specified in this rule.

Note: For the purpose of this rule "Antennas" are defined as devices commercially licensed by the FCC to emit or receive radio frequency signals through the air. Antennas that are not commercially licensed and are typically installed for the operation of supply systems (i.e. Scada System, Remote Switching or Monitoring Systems), are not subject to the requirements of this rule and need only meet the requirements of Rule 54.4 G. Rules 94.4 and 94.5 shall also apply to poles, towers and other structures supporting supply voltages above 50 KV

94.1 Disconnect Switch

Communication Wireless antennas installed on Jointly Used Poles shall be equipped with a disconnect switch that is accessible to and may be operated by any authorized user of the pole. This switch will de-energize all sources of power, including battery backup and RF emission. Except during emergency situations, the operation of this disconnect shall be by mutual agreement if practicable.

94.2 Climbing Space

Antennas must meet the requirements of Rules 54.7 and 84.7.

94.3 Clearances

A. A "Cylinder of Proximity for Radio Frequency" (Cylinder) measured 4 ft. radially from the surface of the pole in all directions, and extending vertically from 8 ft. above the ground line to 6 ft above the highest conductor, cable or messenger shall be established on poles supporting any communication or supply conductors and antennas. Antennas shall be constructed with sufficient clearances so that the Radio Frequency (RF) exposure within of the Cylinder shall not exceed F.C.C. General Population/Uncontrolled MPE limits for the antenna's operating frequency. (See figures 94 -1,2, & 3)

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1. The limits for General Population/Uncontrolled Exposure shall be applied to Communication and Supply workers not qualified to perform work associated with antenna installation or maintenance.

2. The limits for Occupational / Controlled Exposure shall be applied to all workers qualified to perform work associated with antenna installation or maintenance.

Note: General Population/Uncontrolled and Occupational / Controlled Exposure limits are defined by the Office of Engineering and Technology (OET) Bulletin 65 of the Federal

Communication Commission (FCC) Evaluating Compliance with FCC Guidelines for Human Exposure to Radio frequency Electromagnetic Fields. The Office of Engineering and Technology OET Bulletin 65 of the Federal Communication Commission (FCC) Evaluating Compliance with the FCC Guideline for Human Exposure to Radio Frequency Electromagnetic Fields also defines Maximum Permissible Exposure (MPE).

B. Antennas constructed below the top of the pole shall utilize an appropriate crossarm. (See Rule 49.2.) All clearances listed below shall begin at a distance of 1 ft. radially from the antenna, or, at a distance equal to 100 percent of the MPE level for General Population / Controlled environment, whichever is greater.

1. Vertical clearance from supply conductors 0 – 50kV: 6 ft.
2. Vertical clearance from communication facilities attached to the pole: 3 ft.
3. Vertical clearance from communication facilities attached to crossarms: 4 ft.
4. Clearances from communication facilities may be reduced to: 1ft., provided
 - a. The communication facilities maintain clearances in accordance to the current MPE limits for Occupational / Controlled exposure, and
 - b. The communication facilities are installed and maintained by persons meeting the requirements of Rule 94.3-A, and
 - c. By mutual agreement among the affected parties.
5. Radial clearance from all guys and associated guy hardware, and adjacent streetlight or signal standards from an antenna attached to the face at the top of poles: 5 ft.
6. Radial clearance from streetlights and luminaires attached to the same pole: 5 ft.
7. Radial clearance from service drops (attached or unattached): 4 ft

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C. Antennas attached to or supported by a communication facility (cable or messenger) shall maintain a vertical separation from other communication cables of not less than 6 inches and shall maintain a radial clearance of 6 ft. from unrelated splices and terminals.

94.4 Approach Distances

Workers meeting only the qualifications specified in 94.3-A (1) shall not encroach upon the posted approach distances, however, this restriction does not apply when the antenna's transmission capability has been terminated.

94.5 Notice Signs

A. Poles or arms supporting antennas shall be marked with "Notice Signs" (Signs). The word "NOTICE" shall appear in bold white capital letters on a blue background. Additionally, the words, "MAINTAIN A MINIMUM DISTANCE OF (*) FT. FROM THIS ANTENNA" shall appear in bold black letters on a white background. The lettering shall be no less than ¾ in. in height.

Note: (*) is the greater of the distance where 100 % of the MPE is not exceeded or a min. of 1 ft, or whichever is greater.

B. Signs shall state both Uncontrolled/General Population and Occupational/Controlled exposure distances.

C. Signs shall be of weather and corrosion resisting material. The dimension of the signs shall not be less than 3 ¾ inches in height and 14 inches in length.

D. Signs shall be placed the face and back of each arm supporting antennas at least 1ft. from the respective antenna. Signs are not required on the inside faces of double arms.

E For antennas mounted to the face and at the top of poles, two signs meeting the requirements of 94.5–A, B and C shall be placed on two sides of the pole, 2 ft. above the highest conductors, cables, messengers or guys and must be visible to utility workers accessing the pole.

94.6 Transitions

Grounds and cables connected to antennas and their associated equipment which transition vertically through supply circuits shall be covered throughout their length by suitable protective covering. (See Rules 22.2A and 84.6-D). All related non-dielectric equipment, and lines, shall be grounded, isolated, or insulated.

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TOP VIEW

FRONT VIEW

RF EXPOSURE WITHIN THE CYLINDER OF
PROXIMITY SHALL NOT EXCEED F.C.C.
GENERAL POPULATION/UNCONTROLLED
MPE LIMITS FOR THE ANTENNA'S
OPERATING FREQUENCY.
DIRECTIONAL ANTENNAS SHALL
FACE AWAY FROM THE
WORKING AND CLIMBING
SPACES OF COMMUNICATIONS
OR SUPPLY WORKERS.

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TOP VIEW

FRONT VIEW

DIRECTIONAL ANTENNAS SHALL
FACE AWAY FROM THE
WORKING AND CLIMBING
SPACES OF COMMUNICATIONS
OR SUPPLY WORKERS.

OMNI

OR

DIRECTIONAL

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Proposed Associated Rule

GO 95 Rule 20.0 Antennas

20.0 Antenna means a device for emitting or receiving radio frequency signals.

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APPENDIX B

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Order Instituting Rulemaking To Revise)
Commission General Order Numbers 95)
And 128.)

R.01-10-001

**TELECOMMUNICATIONS AND ELECTRIC LINE RULEMAKING PLAN
(TELRP) FOR COMMISSION REVIEW OF PROPOSED GENERAL ORDER
95 AND 128 RULE CHANGES AND FOR INTERIM DISPUTE RESOLUTION**

VERSION B (WITHOUT REDLINE)

Supported by William Adams and CPSD

**TELECOMMUNICATIONS AND ELECTRIC LINE RULEMAKING PLAN
(TELRP) FOR COMMISSION REVIEW OF PROPOSED GENERAL ORDER
95 AND 128 RULE CHANGES AND FOR INTERIM DISPUTE RESOLUTION**

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**TELECOMMUNICATIONS AND ELECTRIC LINE RULEMAKING PLAN
(TELRP) FOR COMMISSION REVIEW OF PROPOSED GENERAL ORDER
95 AND 128 RULE CHANGES AND FOR INTERIM DISPUTE RESOLUTION**

I.

Introduction

Although their views on substantive matters diverge widely, the participants in the current General Order (GO) 95 and 128 workshops agree on the need for the California Public Utilities Commission (CPUC) to adopt a procedure for future proposed changes to GO 95 and 128 to be addressed in an open, streamlined and cyclic process. They also agree that proposed GO changes should be considered in a process which brings to bear the technical skill and field experience of the utilities, CPUC staff, and other stakeholders. The goal of such a process is to enable the CPUC to timely issue informed decisions on proposed rule changes.

The proposed procedure described in this document, if adopted by the Commission, would provide publicly-noticed discussion of proposed rule changes within a structured, yet reasonably flexible framework following a predetermined schedule based on a three-year cycle, and would enable issuance of a CPUC decision approximately one year following the initial filing of the proposed rule changes.

II.

CONCEPTUAL FRAMEWORK

The workshop participants had several principles in mind as they developed the following proposed procedure. In order to be successful (that is, to be seriously considered by the Commission and, if adopted, to effectively serve the needs of the many stakeholders), the procedure must:

Satisfy the requirements of due process;

Facilitate the participation of stakeholders of modest means as well as well-funded, regulatory practitioners;

Enable stakeholders, and the Commission and its staff, to deploy their resources in an orderly and cost-effective manner;

Enable new proposals to be made, considered, and decided without undue delay; and

Serve as the vehicle for consideration of rule changes proposed by any stakeholder or combination of stakeholders, be they individuals, utilities, Commission staff, or existing or future “Rules Committees.”

A. Rulemaking As The Proposed Forum For Periodic Rule Changes

The proposed process relies on rulemaking pursuant to Article 3.5 of the CPUC’s Rules of Practice and Procedure as the forum for accomplishing the review and adoption of future proposed changes to GO 95 and 128. Rule 14.2(b) provides that the CPUC may use a rulemaking to consider “the adoption, repeal or amendment of General Orders.”

1. Flexibility In Use Of Workshops And Other Rulemaking Vehicles

Although rulemakings generally proceed upon written comments instead of evidentiary hearings (Rule 14.1), the CPUC has long authorized the use of workshops as an adjunct to rulemakings, as a means to gather parties' views and to attempt to narrow disagreement or achieve consensus. This proposed procedure would be a flexible process in which – within the legal framework of a publicly-noticed rulemaking – parties use written comments as the initial means of responding to proposed rule changes. Depending on the scope and complexity of, and the amount of contention relating to, the proposals, workshops from one to a maximum of 75 days in length could be conducted. In addition to their inherent and historical flexibility, rulemakings provide the support and oversight of an assigned administrative law judge and assigned commissioner, and assure public notice and opportunity to participate.

2. Use Of A Rate Case Plan-like Triennial Schedule

The proposed process borrows the idea of the Rate Case Plan (RCP) from the general rate cases of the larger utilities. The RCP enables the CPUC to “stage” the filing and processing of a general rate case so that its work, and that of its staff, can proceed in an orderly fashion. The RCP is, in effect, a critical path schedule with designated milestones or due dates for the steps in the rate case process. If the deadlines are adhered to, the CPUC decision can be timely issued without undue strain on public and private resources. The critical path steps are known to everyone in advance, so that they can plan well in advance to meet the due dates and to fulfill their procedural and substantive obligations. The proposed process -- called the “Telecommunications and Electric Line Rulemaking Plan” (TELRP) -- contemplates a rulemaking for changes to GO 95 and 128 to be instituted no more

than once every three years, and that provides that the entire process -- from issuance of the Order Instituting Rulemaking (OIR) to issuance of the final decision -- will be completed in one year. Again borrowing from the RCP, “Day 1” is the date -- that occurs once every three years -- on or after which any entity seeking to modify GO 95 or 128 must file a petition for that purpose. All the other points on the TELRP timeline are measured from the date of issuance of the OIR: “Day R.”

B. Telecommunications and Electric Line Rulemaking Plan (TELRP)

The proposed process uses a petition for modification of General Order 95 and/or 128, as the procedural vehicle for interested parties to propose changes to GO 95 or 128 and thereby signal the Commission of the need to institute a rulemaking. The petition for modification proposed in this document is analogous, but not identical, to the Rule 47 petition for modification of a prior Commission decision.⁴ Pursuant to Public Utilities Code section 1708, the Commission may at any time “rescind, alter, or amend any order or decision made by it.” The Rule 47 petition for modification has been the means for interested parties to request changes to prior decisions. Rule 47 sets forth a complete procedure for filing and responding to petitions for modification, and specifies the substantive support that a petitioner must include in order for its proposal to be considered. For purposes of the TELRP, the Rule 47 model has been modified in the following respects:

(1) Opening and reply comments were substituted for “responses” and “replies,” and ALJ permission is not required to file reply comments; and

⁴ Petitions for modification pursuant to Rule 47 require the petitioner to specify the prior commission decision proposed to be changed. Because of the long and complex history of GO 95, it may be difficult (especially for stakeholders having modest resources and experience) to identify with certainty all of the prior Commission decisions that might have to be changed to accomplish a rule change. This aspect of Rule 47 seems an unnecessary obstacle in the context of proposed changes to GO 95 and 128, and is the primary reason an analogous, though somewhat different, procedure has been proposed as part of the TELRP.

(2) Rule 47 petitions must be filed within one year of the decision sought to be modified, or good cause must be shown for filing later than one year after the decision in question. The TELRP petition eliminates this requirement, since the procedure contemplates that petitions may be filed on or after a triennial start date.

Any interested party may file a TELRP petition, although joint petitions are encouraged in the interest of administrative efficiency. For example, utilities and other parties that participate in the General Order 95/128 Rules Committee may elect to propose rule changes initially in that forum with any resulting agreed-upon rule changes to be included in a TELRP Petition filed by that organization on behalf of its members.

Once the petition(s) have been filed, the Commission should issue an OIR, and consolidate the petitions (if more than one) into the OIR docket for further processing. The OIR should state that it will be processed in accordance with the TELRP.

The proposed process gives the interested parties flexibility in how the workshops are run (assuming workshops are determined to be necessary). They may, (1) request the General Order 95 Rules Committee to serve as facilitator, (2) contract for the services of a professional facilitator or (3) request that the ALJ or Assigned Commissioner serve as chair or facilitator. If they don't select one of those options, it will be necessary for them to designate one party's representative to serve as chair or facilitator.

After Opening and Reply Comments on the Petition(s) are filed (Days R+30 and R+40, respectively), the proposed process calls for the ALJ to preside over a pre-workshop conference, at which the parties will identify themselves and the schedule and procedures for workshops will be discussed and decided among the parties. In the event consensus among the parties cannot be reached on these points, the ALJ will take them under submission and issue a ruling on them within one week.

It is hoped that the establishment of a regular three-year cycle for TELRP rulemakings will reduce the possibility of there being too many proposed rule changes to address in one OIR. In the event a large number of proposals are filed, an important task for the pre-workshop conference will be to subject the proposals to a "triage," in which priority should be given to proposals which have the greatest potential to (1) increase public and employee safety, (2) increase utility service reliability, (3) reduce costs, or (4) enhance efficiency. Proposals that involve relatively minor corrections or clarifications of existing rules should be given lower priority. Proposals that are poorly-defined or that lack supporting rationale should not be considered. Proposals that are similar in nature should, if possible, be combined into one proposal; in such cases it may be feasible for one or more parties to withdraw their proposal(s) in favor of a similar proposal filed by another party. Parties are encouraged to agree on prioritization of the proposals; however,

disagreements on prioritization that are not resolved at or before the pre-workshop conference will be resolved in the ALJ's ruling.

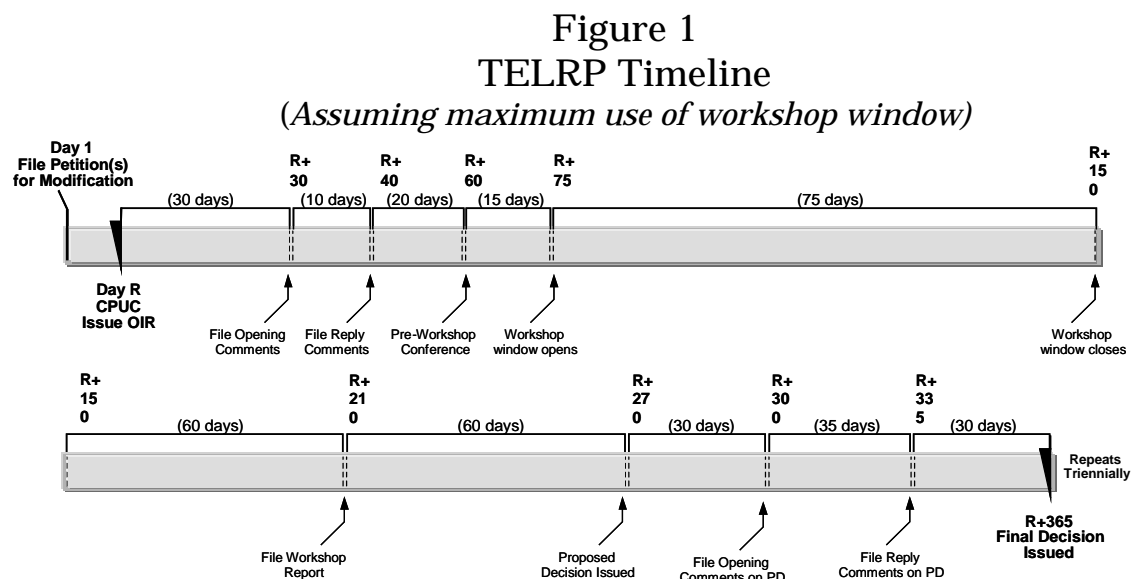
The proposed process provides a window for workshops that opens on Day R+75 and closes on Day R+150, thus providing about two and one half months for parties to engage the issues in a collaborative effort. A written report summarizing the results of the workshops is to be filed not later than Day R+210.

The remainder of the TELRP timeline gives the ALJ two months (until Day R+270) to draft a Proposed Decision (PD), followed by Opening and Reply Comments on the PD to be filed on Days R+300 and R+330, respectively. The final decision is due by Day R+365. The Rulemaking docket will remain open for processing interim disputes (see Section D, below), until the next Rulemaking is initiated pursuant to the TELRP. The TELRP steps in which full 75-day workshops are conducted are summarized below.

Day 1	File Petition(s) for Modification ⁵
Day R	CPUC Issues OIR
Day R+30	File Opening Comments
Day R+40	File Reply Comments
Day R+60	Pre-workshop Conference
Day R+75	Workshop window opens
Day R+150	Workshop window closes
Day R+210	File Workshop Report
Day R+270	Proposed Decision issued
Day R+300	File Opening Comments on PD
Day R+330	File Reply Comments on PD
Day R+365	Final Decision issued

The TELRP timeline, assuming the maximum workshop window is utilized, is shown graphically in Figure 1:

⁵ Interested parties should seek support from other potential parties prior to Day 1 and, if possible, should petition jointly.



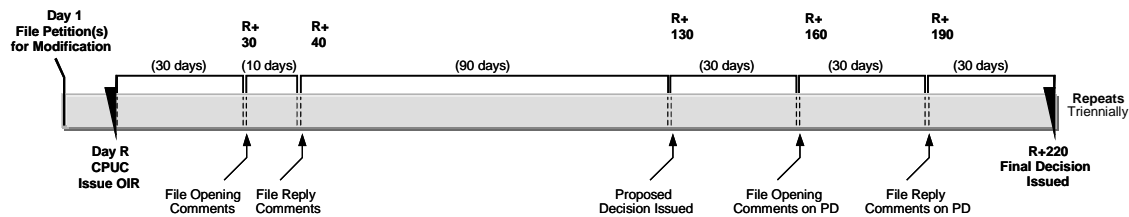
As previously noted, the TELRP can also proceed without workshops, if the ALJ, in consultation with the Assigned Commissioner, finds that the subject matter is amenable to a more traditional rulemaking. In that case, the TELRP steps required to address the proposed rule changes through written comments are summarized below.

Day 1	File Petition(s) for Modification
Day R	CPUC Issues OIR
Day R+30	File Opening Comments
Day R+40	File Reply Comments
Day R+130	Proposed Decision issued
Day R+160	File Opening Comments on PD
Day R+190	File Reply Comments on PD
Day R+220	Final Decision issued

As shown in Figure 2, the timeline for the TELRP is much shorter (220 days as opposed to 365 days) if carried out through written comments rather than workshops.

Figure 2
TELRP Timeline

(Assuming written comments in lieu of workshops)



C. Protocols For TELRP Workshops

The workshop participants in R.01-10-001 expended considerable effort at the start of the workshops to agree on a process for discussing and resolving rule changes. A particularly challenging problem was to achieve efficiency (in the sense of completing discussion of each proposal within a reasonable time) without compromising fairness (which necessitated giving all viewpoints a full airing). An attempt was made to strike this balance early in the workshops, through the proposal of a set of protocols derived from prior Commission workshops.

This initial effort to establish protocols led to a realization that seems especially relevant to the subject of GO 95 and 128 rule changes. The workshop participants were unable, despite their best efforts, to agree on the meaning of “consensus” for purposes of dealing with proposed rule changes. In part, this was because of the representative roles played by the participants. The CPSD was represented by either one or two persons. Each of the investor-owned electric and telecommunication utilities was represented by from two to six persons (depending on the issue under consideration), and represented labor usually had two or three people – from different locals and the CIO – in attendance. Two of the union representatives were also representatives of the General Order 95/128 Rules Committee, a private organization to which most of the utilities belong. CPSD and several other participants voiced concern that if consensus was defined as a

majority vote of the participants, the utilities would always prevail because they brought the most participants. They felt this would be true even if each party was limited to one vote, on the assumption the utilities would usually vote en bloc. On the other hand, many participants expressed concern that if consensus was defined as “unanimity,” an individual hold-out could indefinitely stall an otherwise overwhelmingly supported proposal. These concerns may continue to be of concern in future workshops dealing with GO 95 and 128 rule changes. The workshop participants evolved a set of protocols which in large part addresses the concerns regarding “consensus,” and (once the participants “got the hang of it”) has proved reasonably efficient. The workshop participants recommend that the Commission adopt these protocols as an integral part of the TELRP, for use in future workshops conducted pursuant to that procedure. The protocols should serve equally well whether the workshops are facilitated by a third party facilitator, the ALJ, or one of the workshop participants. Although it is not our intent to stifle innovation in the workshop process, we are concerned that future workshops under TELRP, limited as they are to a maximum of 75 calendar days, not be slowed by having repeatedly to “re-invent” the rules for conducting the workshops.

The “consensus” problem was overcome by substituting several mechanisms – designed to operate sequentially – in place of voting. After the rationale for a proposed rule change (“PRC”) has been explained by the proponent of the change, and positive perceptions and concerns are expressed by the other participants, the “levels of agreement” are tested by polling the parties present. Each party (through one designated spokesperson) states its level of agreement according to the following scale:

- 1 - I am enthusiastic about this PRC. I am satisfied that this PRC is an expression of the wisdom of the group.

- 2 - I find the PRC to be a good choice. It is the best of the options that we have available.
- 3 - I can live with the PRC; I am not especially enthusiastic about it.
- 4 - I will not block consensus on the PRC.
- 5 - I do not agree with the PRC and I feel the need to block it from being agreed upon by the group.
- 6 - I feel that we have no clear sense of unity in the group. We need to talk more before agreement can be reached.

These levels of agreement are recorded by the facilitator. If no party gives the PRC a “5” or a “6,” the PRC is agreed upon as submitted. However, if it is blocked or held for further discussion, the PRC is either:

- (1) Submitted to a smaller working group or committee to refine outside of the workshop process, to be brought back for later consideration;
- (2) Assigned to a Multiple Alternatives Process (“MAP”) in which one or more parties, individually or in small working groups, return to a later workshop meeting with alternative PRC(s); or
- (3) In the case of a level “6,” the workshop participants continue to work as a full group to address the parties’ concerns and reach agreement.

These options enhance the opportunities for workshop participants to reach agreement through compromise, while assuring that one or more parties that hold strong views in opposition will have an opportunity to put those views before the Commission (in the event an alternative PRC developed through the MAP does not lead to agreement).

These and the other protocols recommended for use in future TELRP workshops are described in the Appendix.

D. Interim Resolution of Rule Interpretation Disputes

One of the most important principles underlying the proposed TELRP is the establishment of a process to obtain timely resolution of disputes regarding the interpretation and enforcement of GO 95 and 128. Even if the TELRP is adopted as proposed, a utility may have to operate under a problematic rule interpretation or enforcement procedure for up to three years before it can propose a clarification or change. The proposed TELRP recommends a meet and confer process for addressing these disputes. It is fundamental that the Commission and its staff be timely engaged in resolving such disputes in a fair, deliberate and coordinated manner.

1. Interim Rule Interpretations at the CPSD Staff Level

When disputes or questions arise regarding the interpretation of GO 95 and 128 rules, they tend to arise in the course of CPSD's periodic compliance audits, field inspections of utility overhead and underground systems, and investigations conducted by CPSD following an accident. When such disputes or questions arise, it is in the interest of the utilities to resolve them quickly in order to avoid delay in carrying out their inspection and maintenance duties, and it is in the interest of the Commission and its staff to obtain a result by which the utilities uniformly comply with the GOs in a timely and appropriate manner. The interests of utility employees and the public are also served by timely and appropriate compliance with the GOs.

Accordingly, the utility and CPSD staff should attempt to meet and confer to resolve the dispute or question through a frank dialog and deliberate consideration of the various points of view relating to the issue. This dialog is initiated when the utility sends a letter to CPSD's Director, with copies to other CPSD personnel involved in the issue, clearly describing

the dispute or question and providing documentary support such as photographs, diagrams, schematics, or other material to facilitate the understanding and discussion of the problem. The questions posed by the utility should not involve generic hypotheticals.

The response, which shall be served on the originating utility and shall be posted on the Commission's website shall state CPSD's application of the rule in the context of the dispute presented, and may be received in subsequent CPUC proceedings as evidence of CPSD's position until such time as CPSD changes its defined application of the rule by a subsequent writing. CPSD's response letter issued pursuant to this procedure will not bind the Commission or be interpreted as a delegation of the Commission's decision-making authority; however, the intent of this proposed procedure is that in subsequent Commission deliberations relating to enforcement of GO 95 and 128, the CPSD response letters shall be considered by the Commission and given such weight as the Commission deems appropriate in the specific circumstances.

Appendix

Recommended Protocols for TELRP Workshops

1. PURPOSE OF WORKSHOP

The purpose of the workshop in [INSERT RULEMAKING DOCKET NUMBER] is to collaboratively explore the proposed rule changes (PRCs) relating to General Orders 95 and 128 previously filed in this proceeding, and to the extent possible to agree on specific PRCs to be recommended for adoption by the Commission.

2. WORKSHOP REPORT

The final product of the workshop will be a written workshop report that documents the agreed-upon PRCs and -- if necessary -- alternative PRCs. The workshop report will be filed with the -Commission or otherwise made a part of the official record in this proceeding as directed by the assigned Administrative Law Judge (ALJ).

- 2.1 Each agreed-upon PRC and alternative PRC will include specific text proposed to be added, deleted or modified, and a statement of supporting rationale.

3. WORKSHOP PARTICIPANTS

Workshop “Participant” is defined as any representative of a party to this proceeding who participates in discussing one or more of the PRCs during one or more scheduled workshop meetings. A party may bring as many representatives to participate in the workshop as it deems necessary to address the issues. A primary contact/spokesperson for each party shall be designated for purposes of notices and document distribution.

4. WORKSHOP AGENDA

An agenda for each workshop meeting will be developed by the Participants starting at the beginning of the first meeting, and will be updated through the workshop meetings as agreed by the Participants. The agenda will specify the date, time, location and host /contact person for the meeting and will list the PRCs to be addressed at the meeting.

- 4.1 To the extent possible, PRCs requiring the presence of Participants with special qualifications or expertise are to be scheduled for discussion on the same or consecutive days.

- 4.2 The Participants may agree to defer a PRC if, during discussion, it becomes apparent that participants with special qualifications or expertise, not then present, are needed to adequately address the PRC.
- 4.3 A party represented by a single Participant may request that a PRC of particular interest to them not be addressed on a specific date if they cannot be present on that date. Such request should be made as soon as the party's scheduling constraint becomes known to them, and all reasonable efforts shall be made to accommodate such requests.

5. DISCUSSION PRINCIPLES

- 5.1 The discussion of PRCs will be governed by the following general principles:
 - 5.1.1 Describe the current situation, the reason for the PRC, and identify all material issues associated with the PRC.
 - 5.1.2 Identify and understand the Participants' respective points of view, interests and desired outcomes relative to the PRC.
 - 5.1.3 Obtain (to the extent feasible) data that Participants believe is necessary to understand the issues and make an informed decision on the PRC.
 - 5.1.4 Address all interests insofar as possible.
- 5.2 During meetings, opportunities will be allowed for a brief ongoing evaluation of progress and process ("process checks").

6. DECISION MAKING PROCESS

- 6.1 Agreement should be sought utilizing the "levels of agreement" process:
 - 6.1.1 Agreement is defined as "all parties present when levels of agreement are called for being at level 4 or above on the levels of agreement scale."
 - 6.1.2 Levels of agreement scale:
 - Level 1 - I am **enthusiastic** about this PRC. I am satisfied that this PRC is an expression of the wisdom of the group.

Level 2 - I find the PRC to be a **good choice**. It is the best of the options that we have available.

Level 3 - I can **live with** the PRC; I am not especially enthusiastic about it.

Level 4 - I will not block consensus on the PRC.

Level 5 - I do not agree with the PRC and I feel the need to **block** it from being agreed upon by the group.

Level 6 - I feel that we have no clear sense of unity in the group. We need to **talk more** before agreement can be reached.

6.1.3 Each party shall state a single level of agreement, regardless of how many Participants it has brought to the workshop meeting.

6.1.4 A “straw vote” to ascertain the level of support for, or opposition to, a PRC may be called for at any time.

6.1.5 Tentative working agreements may be reached on parts of complex PRCs, subject to final agreement on the entire PRC.

6.1.6 If no party gives the PRC a “5” or a “6”, the PRC is agreed upon as submitted. However, if it is blocked or held for further discussion, the PRC is either:

6.1.6.1 Submitted to a smaller working group or Committee to refine outside of the workshop process to be brought back for later consideration;

6.1.6.2 Assigned to a Multiple Alternatives Process (MAP) in which one or more parties, individually or in small working groups, return to a later workshop meeting with alternative PRCs; or

6.1.6.3 In the case of a level “6,” the Participants continue to work as a full group to address the parties’ concerns and reach agreement.

6.1.7 If a PRC is assigned to a MAP but does lead to agreement, the proponent(s) of each MAP alternative may submit their alternative(s), with statement(s) of rationale, for inclusion in the Workshop Report (see section 11, below).

- 6.2 Parties are responsible to have a Participant at each meeting who has authority to decide on the topics to be addressed in that meeting, and who will seek management input prior to each meeting in order to expedite the work of the workshop.
- 6.3 Any party that, without prior notice to the other parties, is absent from a meeting at which a PRC is agreed upon, is deemed to have abstained from the determination of levels of agreement, and has waived the opportunity to challenge the PRC or propose an alternative PRC. This protocol may be waived by agreement of the parties at a subsequent meeting in the event the party's absence was due to circumstances beyond its control.
- 6.4 Agreed-upon PRCs will be placed on a consent agenda, to be addressed at the start of the subsequent meeting, in order to allow parties time to seek final approval of the PRCs by their respective managements, when such approval has been stated by parties to be necessary. Any party may remove any PRC from the consent calendar for further workshop consideration, based on their management's direction.
- 6.5 Each Participant is responsible to keep his or her organization/constituency group(s) informed of the progress of the workshops and to timely seek advice, comments and authorization as required.
- 6.6 Participation by Proxy
 - Parties represented by a single Participant may designate another Participant to serve as their proxy for purposes of expressing levels of agreement, if they are unable to attend a workshop meeting. In order to utilize a proxy, the party must satisfy the following requirements:
 - 6.6.1 The party shall notify the other parties by email or facsimile at least 1 business day prior to the meeting at which they expect to be absent;
 - 6.6.2 The party shall provide clear directions to the proxy regarding any limitations on the proxy's authority, in the event the PRC is modified in the course of discussion; and
 - 6.6.3 The proxy must inform the facilitator and Participants of their role at the beginning of the meeting.

7. COMMUNICATIONS AND PUBLIC NOTICE

- 7.1 Any or all Participants may meet or conference call among themselves between workshop meetings as desired or necessary to negotiate an advancement of their work.
- 7.2 Audio and video recording devices are not to be used in meetings for any purpose. Participants are encouraged to explore ideas freely and the only agreements are those explicitly reached.
- 7.3 A Participant shall be designated to keep the assigned ALJ informed of the dates, times, location and host contacts for upcoming workshop meetings, in time for that information to be posted on the Commission's website and to be periodically issued in rulings as the ALJ deems appropriate.

8. INFORMATION MANAGEMENT

- 8.1 A meeting summary will be prepared following each working group meeting stating:
 - 8.1.1 All Participants at the meeting, including their e-mail addresses and telephone and facsimile numbers;
 - 8.1.2 PRCs discussed;
 - 8.1.3 Agreements, if any, with supporting rationale; and
 - 8.1.4 MAP proposals, if any.
- 8.2 The meeting summary will be prepared by the facilitator (see Section 9, below). Meeting summaries will be available the following week and will be emailed or faxed to all Participants. The meeting summary will be reviewed for corrections by the Participants, preferably by email or teleconference between workshop meetings.
- 8.3 The Facilitator will maintain a file containing copies of all written information distributed by the Participants.
 - 8.3.1 Workshop Participants, and the parties they represent, reserve all rights to preserve the confidentiality of information in their possession, and participation in the workshop shall not be implied or understood to constitute a waiver of such rights.

9. PARTICIPANT ROLES

- 9.1 The Facilitator

- 9.1.1 Works on behalf of the Participants under the direction of the participants;
- 9.1.2 Makes participation easier and encourages participation by all who wish to participate;
- 9.1.3 Reminds participants of the protocols as necessary;
- 9.1.4 Suggests strategies to move the discussion along, as appropriate;
- 9.1.5 Uses a computer as appropriate; and
- 9.1.6 Carries out such other supportive activities as agreed upon by the Participants or as directed by the ALJ.
- 9.2 The Secretary or Technographer assists the Facilitator and Participants by taking notes on a computer, flip charts or other media that serve as “workshop memory.”
- 9.3 The Participants:
 - 9.3.1 Listen carefully, ask pertinent questions and educate themselves and others regarding the issues and interests that must be addressed, in a collaborative rather than confrontational manner.
 - 9.3.2 Fully and thoughtfully explore the issues before forming conclusions.
 - 9.3.3 Search for creative solutions that best serve the issues and interests that must be addressed.

10. WORKSHOP ACCESS AND ACCOMMODATIONS

Workshops shall be scheduled in locations that comply with the Americans with Disabilities Act.

(END OF APPENDIX 1)

APPENDIX 2

List of Workshop Participants

- William Adams
- AT&T Wireless
- California Cable and Telecommunications Association (“CCTA”)
- California Farm Bureau Federation
- California Municipal Utilities Association (“CMUA”)
- City and County of San Francisco
- City of Redding Electric Utility
- Cingular Wireless
- CN Utility Consulting
- Consumer Protection and Safety Division
- Cox Communications
- Davey Tree
- Frontier Communications
- GO 95/128 Rules Committee (non-voting)
- IBEW 47
- IBEW 465
- IBEW 1245
- IBEW Ninth District
- Imperial Irrigation District
- Los Angeles Department of Water and Power
- John McAvoy
- Modesto Irrigation District
- NextG
- Pacific Gas & Electric Company
- Sacramento Municipal Utility District
- San Diego Gas & Electric Company
- SBC
- Southern California Edison Company
- Sprint PCS
- Turlock Irrigation District
- Underground Service Alert
- Utility Design, Inc.

- Verizon
- Verizon Wireless
- Jim Young

(END OF APPENDIX B)

Appendix C

List of Wireless Carriers